



Government Operations Appropriations Subcommittee

**Monday, February 13, 2012
1:45 PM - 4:45 PM
404 HOB**

Action Packet

**Dean Cannon
Speaker**

**Ed Hooper
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Government Operations Appropriations Subcommittee

Start Date and Time: Monday, February 13, 2012 01:45 pm
End Date and Time: Monday, February 13, 2012 04:45 pm
Location: 404 HOB
Duration: 3.00 hrs

Consideration of the following bill(s):

HB 249 Public Lodging Establishments by Bemby
CS/CS/HB 385 Medical Malpractice by Judiciary Committee, Civil Justice Subcommittee, Gaetz, Renuart
CS/HB 725 Insurance Agents and Adjusters by Insurance & Banking Subcommittee, Hager
CS/HB 1011 Warranty Associations by Insurance & Banking Subcommittee, Abruzzo
CS/HB 1065 Annuities by Insurance & Banking Subcommittee, Broxson
HB 1305 Pub. Rec./Officers-Elect by Adkins

Pursuant to rule 7.12, the deadline for amendments to bills on the agenda by non-appointed members shall be 6:00 p.m., Friday, February 10, 2012.

By request of the chair, all committee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Friday, February 10, 2012.

Appearance forms can be found on myfloridahouse.gov. Please print and bring 2 copies of the form to the meeting and give them to the administrative assistant.

NOTICE FINALIZED on 02/09/2012 16:14 by MRI

COMMITTEE MEETING REPORT
Government Operations Appropriations Subcommittee
2/13/2012 1:45:00PM

Location: 404 HOB

Summary:

Government Operations Appropriations Subcommittee

Monday February 13, 2012 01:45 pm

HB 249	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 429711 Adopted Without Objection		
	Amendment 494843 Adopted Without Objection		
CS/CS/HB 385	Favorable With Committee Substitute	Yeas: 8	Nays: 3
	Amendment 768213 Adopted Without Objection		
CS/HB 725	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 753063 Adopted Without Objection		
	Amendment 390697 Adopted Without Objection		
CS/HB 1011	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 278453 Adopted Without Objection		
	Amendment 2 - h1011-line 413 Adopted Without Objection		
CS/HB 1065	Favorable	Yeas: 12	Nays: 0
HB 1305	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 490201 Adopted Without Objection		

Committee meeting was reported out: Monday, February 13, 2012 5:52:47PM

COMMITTEE MEETING REPORT
Government Operations Appropriations Subcommittee
2/13/2012 1:45:00PM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Ed Hooper (Chair)	X		
Lori Berman	X		
Daphne Campbell	X		
Gwyndolen Clarke-Reed	X		
Fredrick Costello	X		
Reggie Fullwood			X
Joseph Gibbons	X		
Eduardo Gonzalez			X
Gayle Harrell			X
Debbie Mayfield	X		
Bryan Nelson	X		
H. Marlene O'Toole	X		
Jimmy Patronis	X		
Charles Van Zant	X		
Michael Weinstein	X		
Totals:	12	0	3

Committee meeting was reported out: Monday, February 13, 2012 5:52:47PM

COMMITTEE MEETING REPORT
Government Operations Appropriations Subcommittee
2/13/2012 1:45:00PM

Location: 404 HOB

HB 249 : Public Lodging Establishments

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Daphne Campbell	X				
Gwyndolen Clarke-Reed	X				
Fredrick Costello	X				
Reggie Fullwood			X		
Joseph Gibbons	X				
Eduardo Gonzalez			X		
Gayle Harrell			X		
Debbie Mayfield	X				
Bryan Nelson	X				
H. Marlene O'Toole	X				
Jimmy Patronis	X				
Charles Van Zant	X				
Michael Weinstein	X				
Ed Hooper (Chair)	X				
Total Yeas: 12		Total Nays: 0			

HB 249 Amendments

Amendment 429711

Adopted Without Objection

Amendment 494843

Adopted Without Objection

Appearances:

Bill/Amendments

Casey Stoutamire (Lobbyist) - Waive In Support

Leading Age Florida

1812 Riggins Road

Tallahassee Florida 32312

Phone: 850-671-3700

Committee meeting was reported out: Monday, February 13, 2012 5:52:47PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 249 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

*Adopted w/out
objection 2-13-12*

1 Committee/Subcommittee hearing bill: Government Operations
2 Appropriations Subcommittee
3 Representative Bemby offered the following:
4

Amendment (with title amendment)

6 Remove lines 66-69 and insert:

7 8. Any apartment building inspected by the United States
8 Department of Housing and Urban Development or other entity
9 acting on the department's behalf that is designated primarily
10 as housing for persons at least 62 years of age. The division
11 may require the operator of the apartment building to attest in
12 writing that such building meets the criteria provided in this
13 subparagraph. The Division may adopt rules to implement this
14 requirement.
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Amendment No. 1

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T I T L E A M E N D M E N T

Remove lines 5-6 and insert:
certain apartment buildings designated primarily as
housing for persons at least 62 years of age;
authorizing the Division of Hotels and Restaurants to
require written documentation from an apartment
building operator that such building is in compliance
with certain criteria; authorizing the Division to
adopt certain rules;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 249 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

Adopted w/out
objection 2-13-12

1 Committee/Subcommittee hearing bill: Government Operations
2 Appropriations Subcommittee
3 Representative Bemby offered the following:

Amendment

6 Remove line 70 and insert:

7 Section 2. This act shall take effect October 1, 2012.
8

COMMITTEE MEETING REPORT
Government Operations Appropriations Subcommittee

2/13/2012 1:45:00PM

Location: 404 HOB

CS/CS/HB 385 : Medical Malpractice

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Lori Berman		X			
Daphne Campbell					X
Gwyndolen Clarke-Reed		X			
Fredrick Costello	X				
Reggie Fullwood			X		
Joseph Gibbons		X			
Eduardo Gonzalez			X		
Gayle Harrell			X		
Debbie Mayfield	X				
Bryan Nelson	X				
H. Marlene O'Toole	X				
Jimmy Patronis	X				
Charles Van Zant	X				
Michael Weinstein	X				
Ed Hooper (Chair)	X				
Total Yeas: 8		Total Nays: 3			

CS/CS/HB 385 Amendments

Amendment 768213

Adopted Without Objection

Appearances:

Bill/Amendment

Delegal, Mark (Lobbyist) - Proponent
 Safety Net Hospital Alliance of Florida
 215 S Monroe Street
 Tallahassee FL 32301
 Phone: (850)222-3533

Strike all amendment/Bill

Large, William (Lobbyist) - Proponent
 Florida Justice Reform Institute
 210 S Monroe St
 Tallahassee FL
 Phone: (850)222-0170

Bill/Amendment

O'Hara, Rebecca (Lobbyist) - Waive In Support
 FL Medical Association
 113 College Ave.
 Tallahassee FL 32302
 Phone: (850) 339-6211

Committee meeting was reported out: Monday, February 13, 2012 5:52:47PM

COMMITTEE MEETING REPORT
Government Operations Appropriations Subcommittee

2/13/2012 1:45:00PM

Location: 404 HOB

CS/CS/HB 385 : Medical Malpractice (continued)

Appearances: (continued)

Bill/Amendment

Gustafson, Jim - Opponent

FJA

1567 Cristobal Drive

Tallahassee FL 32303

Phone: 850-251-4011

Amendment/Bill

Sean F. Thompson - Opponent

FJA

12 SE 7th Street

Ft. Lauderdale Florida

Phone: 954-763-8181

Amendment/Bill

Sobel, Ken - Opponent

FJA

7460 NW 127 Ter

Parkland FL 33076

Phone: 954-249-1078

Martin, Jennifer (Lobbyist) - Waive In Support

Florida Chamber of Commerce

136 S. Bronough Street

Tallahassee FL

Phone: 850-521-1200

Pitts, Brian - Opponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Stephen R. Winn (Lobbyist) - Waive In Support

Florida Osteopathic Medical Association

2007 Apalachee Parkway

Tallahassee Florida 32301

Phone: 850-878-7364

Nuland, Christopher (Lobbyist) - Proponent

Florida Chapter American College of Physicians

1000 Riverside Ave #115

Jacksonville FL 32204

Phone: (904)355-1555

Tejedor, Maria - Opponent

505 North Mills Avenue

Orlando FL 32814

Phone: 407-705-7880

Committee meeting was reported out: Monday, February 13, 2012 5:52:47PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 385 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —

Adopted w/out objection
2-13-12

1 Committee/Subcommittee hearing bill: Government Operations
2 Appropriations Subcommittee
3 Representative Gaetz offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (4) of section 766.102, Florida
8 Statutes, is amended to read:

9 766.102 Medical negligence; standards of recovery; expert
10 witness.—

11 (4) (a) The Legislature is cognizant of the changing trends
12 and techniques for the delivery of health care in this state and
13 the discretion that is inherent in the diagnosis, care, and
14 treatment of patients by different health care providers. The
15 failure of a health care provider to order, perform, or
16 administer supplemental diagnostic tests is ~~shall~~ not ~~be~~
17 actionable if the health care provider acted in good faith and
18 with due regard for the prevailing professional standard of
19 care.

768213 - h385-strike.docx

Published On: 2/10/2012 5:54:36 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 385 (2012)

Amendment No. 1

20 (b) In an action for damages based on death or personal
21 injury which alleges that such death or injury resulted from the
22 failure of a health care provider to order, perform, or
23 administer supplemental diagnostic tests, the claimant has the
24 burden of proving by clear and convincing evidence that the
25 alleged actions of the health care provider represented a breach
26 of the prevailing professional standard of care.

27 Section 2. Paragraph (b) of subsection (6) of section
28 766.106, Florida Statutes, is amended to read:

29 766.106 Notice before filing action for medical
30 negligence; presuit screening period; offers for admission of
31 liability and for arbitration; informal discovery; review.—

32 (6) INFORMAL DISCOVERY.—

33 (b) Informal discovery may be used by a party to obtain
34 unsworn statements, the production of documents or things, and
35 physical and mental examinations, and ex parte interviews, as
36 follows:

37 1. Unsworn statements.—Any party may require other parties
38 to appear for the taking of an unsworn statement. Such
39 statements may be used only for the purpose of presuit screening
40 and are not discoverable or admissible in any civil action for
41 any purpose by any party. A party desiring to take the unsworn
42 statement of any party must give reasonable notice in writing to
43 all parties. The notice must state the time and place for taking
44 the statement and the name and address of the party to be
45 examined. Unless otherwise impractical, the examination of any
46 party must be done at the same time by all other parties. Any
47 party may be represented by counsel at the taking of an unsworn

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 385 (2012)

Amendment No. 1

48 statement. An unsworn statement may be recorded electronically,
49 stenographically, or on videotape. The taking of unsworn
50 statements is subject to the provisions of the Florida Rules of
51 Civil Procedure and may be terminated for abuses.

52 2. Documents or things.—Any party may request discovery of
53 documents or things. The documents or things must be produced,
54 at the expense of the requesting party, within 20 days after the
55 date of receipt of the request. A party is required to produce
56 discoverable documents or things within that party's possession
57 or control. Medical records shall be produced as provided in s.
58 766.204.

59 3. Physical and mental examinations.—A prospective
60 defendant may require an injured claimant to appear for
61 examination by an appropriate health care provider. The
62 prospective defendant shall give reasonable notice in writing to
63 all parties as to the time and place for examination. Unless
64 otherwise impractical, a claimant is required to submit to only
65 one examination on behalf of all potential defendants. The
66 practicality of a single examination must be determined by the
67 nature of the claimant's condition, as it relates to the
68 liability of each prospective defendant. Such examination report
69 is available to the parties and their attorneys upon payment of
70 the reasonable cost of reproduction and may be used only for the
71 purpose of presuit screening. Otherwise, such examination report
72 is confidential and exempt from the provisions of s. 119.07(1)
73 and s. 24(a), Art. I of the State Constitution.

74 4. Written questions.—Any party may request answers to
75 written questions, the number of which may not exceed 30,

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 385 (2012)

Amendment No. 1

76 including subparts. A response must be made within 20 days after
77 receipt of the questions.

78 5. Unsworn statements of treating health care providers.—A
79 prospective defendant or his or her legal representative may
80 also take unsworn statements of the claimant's treating health
81 care providers. The statements must be limited to those areas
82 that are potentially relevant to the claim of personal injury or
83 wrongful death. Subject to the procedural requirements of
84 subparagraph 1., a prospective defendant may take unsworn
85 statements from a claimant's treating physicians. Reasonable
86 notice and opportunity to be heard must be given to the claimant
87 or the claimant's legal representative before taking unsworn
88 statements. The claimant or claimant's legal representative has
89 the right to attend the taking of such unsworn statements.

90 6. Ex parte interviews of treating health care providers.—
91 A prospective defendant or his or her legal representative may
92 interview the claimant's treating health care providers without
93 the presence of the claimant or the claimant's legal
94 representative. A prospective defendant or his or her legal
95 representative that intends to interview a claimant's health
96 care providers must provide the claimant with notice of such
97 intent at least 10 days before the interview.

98 Section 3. This act shall take effect upon becoming a law
99 and shall apply to any cause of action accruing on or after that
100 date.

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Published On: 2/10/2012 5:54:36 PM

Amendment No. 1

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T I T L E A M E N D M E N T

Remove the entire title and insert:
An act relating to medical malpractice; amending s.
766.102, F.S.; establishing the burden of proof that a
claimant must meet in certain damage claims against
health care providers based on death or personal
injury; amending s. 766.106, F.S.; allowing a
prospective medical malpractice defendant to interview
a claimant's treating health care providers without
the presence of the claimant or the claimant's legal
representative; requiring a prospective defendant to
provide the claimant notice a specified period before
such an interview; providing an effective date.

COMMITTEE MEETING REPORT
Government Operations Appropriations Subcommittee

2/13/2012 1:45:00PM

Location: 404 HOB

CS/HB 725 : Insurance Agents and Adjusters

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Daphne Campbell	X				
Gwyndolen Clarke-Reed	X				
Fredrick Costello	X				
Reggie Fullwood			X		
Joseph Gibbons	X				
Eduardo Gonzalez			X		
Gayle Harrell			X		
Debbie Mayfield	X				
Bryan Nelson	X				
H. Marlene O'Toole	X				
Jimmy Patronis	X				
Charles Van Zant	X				
Michael Weinstein	X				
Ed Hooper (Chair)	X				
Total Yeas: 12		Total Nays: 0			

CS/HB 725 Amendments

Amendment 753063

Adopted Without Objection

Amendment 390697

Adopted Without Objection

Appearances:

Pearce, Laura (Lobbyist) - Waive In Support
 Florida Association of Insurance Agents
 3159 Shamrock S
 Tallahassee FL 32309
 Phone: (850)893-4155

McFaddin, Logan (Lobbyist) (State Employee) - Waive In Support
 Department of Financial Services
 LL-26 Capitol
 Tallahassee FL 32399
 Phone: 850-413-2890

Pitts, Brian - Waive In Support
 Justice-2-Jesus
 1119 Newton Ave. S.
 St. Petersburg FL 33705
 Phone: 727-897-9291

Committee meeting was reported out: Monday, February 13, 2012 5:52:47PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 725 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION Y (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

*Adopted w/out objection
2-13-12*

1 Committee/Subcommittee hearing bill: Government Operations
2 Appropriations Subcommittee
3 Representative Hager offered the following:
4

Amendment (with title amendment)

Remove lines 135-178

T I T L E A M E N D M E N T

Remove lines 3-8 and insert:

amending s. 626.015,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 725 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION Y (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —

*Adopted w/out
objection
2-13-12*

1 Committee/Subcommittee hearing bill: Government Operations
2 Appropriations Subcommittee
3 Representative Hager offered the following:
4

5 **Amendment**

6 Remove lines 1297-1298 and insert:
7 included with the purchase. Disclosure of the stand-alone cost
8 of the premium for same or similar insurance must be made on the
9 customer's
10

COMMITTEE MEETING REPORT
Government Operations Appropriations Subcommittee

2/13/2012 1:45:00PM

Location: 404 HOB

CS/HB 1011 : Warranty Associations

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Daphne Campbell	X				
Gwyndolen Clarke-Reed	X				
Fredrick Costello	X				
Reggie Fullwood			X		
Joseph Gibbons	X				
Eduardo Gonzalez			X		
Gayle Harrell			X		
Debbie Mayfield	X				
Bryan Nelson	X				
H. Marlene O'Toole	X				
Jimmy Patronis	X				
Charles Van Zant	X				
Michael Weinstein	X				
Ed Hooper (Chair)	X				
Total Yeas: 12		Total Nays: 0			

CS/HB 1011 Amendments

Amendment 278453

Adopted Without Objection

Amendment 2 - h1011-line 413

Adopted Without Objection

Appearances:

Meenan, Timothy (Lobbyist) - Waive In Support
 Florida Service Agreement Association
 204 S Monroe St
 Tallahassee FL 32301
 Phone: (850)681-6710

Committee meeting was reported out: Monday, February 13, 2012 5:52:47PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1011 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

Adopted w/out objection
2-13-12

1 Committee/Subcommittee hearing bill: Government Operations
2 Appropriations Subcommittee
3 Representative Abruzzo offered the following:

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5 **Amendment**

6 Remove lines 257-269 and insert:
7 companies' reported net income for the prior year. The
8 commission may by rule establish provisions whereby a company
9 may be exempted from examination.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1011 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

*Adopted w/out objection
2-13-12*

1 Committee/Subcommittee hearing bill: Government Operations
2 Appropriations Subcommittee
3 Representative Hooper offered the following:
4

5 **Amendment**

6 Remove lines 413-422 and insert:

7 (3) On or before May 1 of each year, an association may
8 submit to the office the Form 10-K, as filed with the United
9 States Securities and Exchange Commission pursuant to the
10 Securities Exchange Act of 1934, as amended. Upon receipt and
11 review of the most current Form 10-K, the office may waive the
12 examination requirement; if the office determines not to waive
13 the examination, such examination will be limited to that
14 examination necessary to ensure compliance with this part. The
15 Form 10-K shall be accompanied by a filing fee of \$2,000 to be
16 deposited into the Insurance Regulatory Trust Fund.
17

COMMITTEE MEETING REPORT
Government Operations Appropriations Subcommittee

2/13/2012 1:45:00PM

Location: 404 HOB

CS/HB 1065 : Annuities

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Daphne Campbell	X				
Gwyndolen Clarke-Reed	X				
Fredrick Costello	X				
Reggie Fullwood			X		
Joseph Gibbons	X				
Eduardo Gonzalez			X		
Gayle Harrell			X		
Debbie Mayfield	X				
Bryan Nelson	X				
H. Marlene O'Toole	X				
Jimmy Patronis	X				
Charles Van Zant	X				
Michael Weinstein	X				
Ed Hooper (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

Charles Milstead (Lobbyist) - Waive In Support
 AARP-Associate State Director
 200 West College Avenue
 Tallahassee Florida 32301
 Phone: 850-577-5170

Sanford, Paul (Lobbyist) - Waive In Support
 ACLI, FIC
 106 S. Monroe Street
 Tallahassee FL 32301
 Phone: (850)222-7200

Brian Deffenbaugh (Lobbyist) (State Employee) - Waive In Support
 Insurance Consumer Advocates's Office
 LL22 Capitol
 Tallahassee Florida

Stevens, Monte (Lobbyist) (State Employee) - Waive In Support
 Director of Government Affairs, Office of Insurance Regulation
 200 E Gaines St
 Tallahassee FL
 Phone: 850-413-2571

Pitts, Brian - Opponent
 Justice-2-Jesus
 1119 Newton Ave. S.
 St. Petersburg FL 33705
 Phone: 727-897-9291

Committee meeting was reported out: Monday, February 13, 2012 5:52:47PM

COMMITTEE MEETING REPORT
Government Operations Appropriations Subcommittee

2/13/2012 1:45:00PM

Location: 404 HOB

HB 1305 : Pub. Rec./Officers-Elect

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Daphne Campbell	X				
Gwyndolen Clarke-Reed	X				
Fredrick Costello	X				
Reggie Fullwood			X		
Joseph Gibbons	X				
Eduardo Gonzalez			X		
Gayle Harrell			X		
Debbie Mayfield	X				
Bryan Nelson	X				
H. Marlene O'Toole	X				
Jimmy Patronis	X				
Charles Van Zant	X				
Michael Weinstein	X				
Ed Hooper (Chair)	X				
Total Yeas: 12		Total Nays: 0			

HB 1305 Amendments

Amendment 490201

Adopted Without Objection

Appearances:

Pitts, Brian - Waive In Support
 Justice-2-Jesus
 1119 Newton Ave. S.
 St. Petersburg FL 33705
 Phone: 727-897-9291

Committee meeting was reported out: Monday, February 13, 2012 5:52:47PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1305 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

*Adopted w/out
objection 2-13-12*

1 Committee/Subcommittee hearing bill: Government Operations
2 Appropriations Subcommittee
3 Representative Adkins offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 119.035, Florida Statutes, is created
8 to read:

9 119.035 Officers-elect.-

10 (1) It is the policy of this state that the provisions of
11 this chapter apply to officers-elect upon their election to
12 public office. Such officers-elect shall adopt and implement
13 reasonable measures to ensure compliance with the public records
14 obligations set forth in this chapter.

15 (2) Public records of an officer-elect shall be maintained
16 in accordance with the policies and procedures of the public
17 office to which the officer has been elected.

18 (3) If an officer-elect, individually or as part of a
19 transition process, creates or uses an online or electronic

Amendment No. 1

20 communication or recordkeeping system, all public records
21 maintained on such system shall be preserved so as not to impair
22 the ability of the public to inspect or copy such public
23 records.

24 (4) Upon taking the oath of office, the officer-elect
25 shall, as soon as practicable, deliver to the person or persons
26 responsible for records and information management in such
27 office all public records kept or received in the transaction of
28 official business during the period following election to public
29 office.

30 (5) As used in this section, the term "officer-elect"
31 means the Governor, the Lieutenant Governor, the Attorney
32 General, the Chief Financial Officer, and the Commissioner of
33 Agriculture.

34 Section 2. Subsection (1) of section 286.011, Florida
35 Statutes, is amended to read:

36 286.011 Public meetings and records; public inspection;
37 criminal and civil penalties.—

38 (1) All meetings of any board or commission of any state
39 agency or authority or of any agency or authority of any county,
40 municipal corporation, or political subdivision, except as
41 otherwise provided in the Constitution, including meetings with
42 or attended by any person elected to such board or commission,
43 but who has not yet taken office, at which official acts are to
44 be taken are declared to be public meetings open to the public
45 at all times, and no resolution, rule, or formal action shall be
46 considered binding except as taken or made at such meeting. The

Amendment No. 1

47 board or commission must provide reasonable notice of all such
48 meetings.

49 Section 3. For the purpose of incorporating the amendment
50 made by this act to section 286.011, Florida Statutes, in a
51 reference thereto, paragraph (b) of subsection (8) of section
52 112.3215, Florida Statutes, is reenacted to read:

53 112.3215 Lobbying before the executive branch or the
54 Constitution Revision Commission; registration and reporting;
55 investigation by commission.—

56 (8)

57 (b) All proceedings, the complaint, and other records
58 relating to the investigation are confidential and exempt from
59 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
60 Constitution, and any meetings held pursuant to an investigation
61 are exempt from the provisions of s. 286.011(1) and s. 24(b),
62 Art. I of the State Constitution either until the alleged
63 violator requests in writing that such investigation and
64 associated records and meetings be made public or until the
65 commission determines, based on the investigation, whether
66 probable cause exists to believe that a violation has occurred.

67 Section 4. This act shall take effect July 1, 2012.
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72 **T I T L E A M E N D M E N T**

73 Remove the entire title and insert:

74 A bill to be entitled

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1305 (2012)

Amendment No. 1

75 | An act relating to public records; creating s.
76 | 119.035, F.S.; declaring that it is the policy of this
77 | state that the provisions of ch. 119, F.S., apply to
78 | certain constitutional officers upon their election to
79 | public office; requiring that such officers adopt and
80 | implement reasonable measures to ensure compliance
81 | with the public records obligations set forth in ch.
82 | 119, F.S.; requiring that the public records of such
83 | officers be maintained in accordance with the policies
84 | and procedures of the public offices to which the
85 | officers have been elected; requiring that online and
86 | electronic communication and recordkeeping systems
87 | preserve the records on such systems so as to not
88 | impair the ability of the public to inspect or copy
89 | such public records; requiring that such officers, as
90 | soon as practicable upon taking the oath of office,
91 | deliver to the person or persons responsible for
92 | records and information management, all public records
93 | kept or received in the transaction of official
94 | business during the period following election to
95 | public office; defining the term "officer-elect" as
96 | used in the section; amending s. 286.011, F.S.;
97 | revising public meeting requirements to apply the
98 | requirements to meetings with or attended by newly
99 | elected members of boards and commissions; reenacting
100 | s. 112.3215(8)(b), F.S., relating to lobbying before
101 | the executive branch or the Constitution Revision
102 | Commission, to incorporate the amendment made to s.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1305 (2012)

Amendment No. 1

103 | 286.011, F.S., in a reference thereto; providing an
104 | effective date.